



Comptroller General
of the United States

Washington, D.C. 20548

100722
:05732

Decision

Matter of: International Service Associates, Inc.--
Claim for Costs

File: B-253050.2

Date: February 7, 1994

Edward Silva and Sam R. Rovetuso for the protester.
John P. Opitz, Esq., and Kenneth A. Markison, Esq.,
Department of Housing and Urban Development, for the agency.
Susan K. McAuliffe, Esq., and Michael R. Golden, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

1. Expenses claimed as bid preparation costs and costs of filing and pursuing a protest may only be recovered to the extent that they are adequately documented and show not only that they were incurred, but the purposes for which the costs were incurred and how they relate to the protest. Where claim is not adequately documented, claimant is not entitled to recovery.

2. Protester forfeited its right to recover the costs of filing and pursuing its protest at the General Accounting Office where the protester failed to file its claim with the contracting agency detailing and certifying the time expended and costs incurred in connection with the protest within 60 days after receipt of the decision sustaining its protest.

DECISION

International Service Associates, Inc. (ISA), a small business, requests that our Office determine the amount it is entitled to recover from the Department of Housing and Urban Development (HUD) for the costs of preparing its bid under invitation for bids (IFB) No. DU203B930000156, and for the costs of filing and pursuing its protest in International Serv. Assocs., Inc., B-253050, Aug. 4, 1993, 93-2 CPD ¶ 82. The IFB is for security guard services at an apartment complex in Maryland.

We deny the claim.

We sustained ISA's protest against the agency's rejection of the firm's bid due to the firm's lack of a valid Maryland private detective agency license at the time of award. We found that the agency misinterpreted the IFB's general licensing provision as a condition for award and that actual compliance with the IFB's licensing provision need only be accomplished by the start of contract performance. We found that since the matter involved an issue of the small business bidder's responsibility, it should have been referred to the Small Business Administration for resolution. The contract awarded under the IFB was due to expire within only 3 months from our August 4, 1993, decision sustaining the protest. Accordingly, we found ISA entitled to the costs incurred in pursuing the protest, including reasonable attorneys' fees, and its bid preparation costs. In our decision, we stated that "[t]he protester should file its claim for costs, detailing and certifying the time expended and costs incurred, within 60 days after receipt of [the] decision."

On September 14, ISA submitted the following claim for costs directly to the agency:

"Legal Services Rendered	\$6,605.03
Paralegal Services Rendered	3,650.00
Bid Preparation Time & Administration	1,280.00
Staff Time for Subcontracting Negotiation	2,700.00
License Fees Including Fingerprint	750.00
& Fees For Maryland	
(NOTE: Needed and secured for this job only)	23.00
No license requirement for other	23.00
US Government Contracts	23.00
Total Due	\$15,054.03"

On October 5, during a telephone conversation between HUD counsel and an ISA representative, HUD explained that it had made no determination whether or not to pay the costs referenced in our August 4 decision. HUD's counsel advised ISA that the firm had not submitted adequate documentation for the claimed costs to support payment in the amount requested. On October 7, ISA filed its claim for costs with our Office contending that HUD had advised the firm that the costs would not be paid.

Claims for the reimbursement of expenses, at a minimum, must identify the amounts claimed for each individual expense, the purpose for which that expense was incurred, and how the expense relates to the protest. Test Sys. Assocs., Inc.--Claim for Costs, 72 Comp. Gen. 169 (1993), 93-1 CPD ¶ 351; Diverco, Inc.--Claim for Costs, B-240639.5, May 21, 1992, 92-1 CPD ¶ 460. Here, ISA's submission of its claimed expenses--which fails to specify, for example, the work performed, the persons performing such work, the time ex-

pended, or the relevance of all of the listed expenses--without further explanations or supporting documentation, provides insufficient detail for the agency or our Office to adequately assess the reasonableness of the claimed costs.

ISA has provided no further explanation or documentation of its billing for the claimed costs, despite HUD's challenge to the sufficiency of the documentation submitted by the protester. Although we recognize that the requirement for documentation may sometimes entail certain practical difficulties, the burden is on the protester to submit sufficient evidence to support its claim, and that burden is not met by unsupported statements that the costs have been incurred. Hydro Research Science, Inc.--Claim for Costs, 68 Comp. Gen. 506 (1989), 89-1 CPD ¶ 572; Diverco, Inc.--Claim for Costs, supra.

Under 4 C.F.R. § 21.6(f)(1) (1993), the protester is obligated to file its claim for costs, detailing and certifying the time expended and costs incurred, with the contracting agency within 60 days after receipt of our decision. Failure to file the claim within that time results in forfeiture of the protester's right to recover its cost. By failing to detail and certify its claim, the protester effectively failed to file a proper claim within the time frame established in our Regulations. Test Sys. Assocs., Inc.--Claim for Costs, supra.

The claim is denied.

Christine S. Melody
for Robert P. Murphy
Acting General Counsel